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CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 2117**

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**Introduced by Assembly Members Coto, Goldberg, Umberg,  
Wyland, Arambula, Hancock, Huff, Liu, Mullin, Pavley, and  
Richman**

(Coauthor: Senator Alquist)

February 17, 2006

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An act to add Chapter 5 (commencing with Section 420) to Part 1 of the Education Code, relating to English language learners.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2117, as amended, Coto. English language learners: pilot project.

Existing law establishes the English Language Acquisition Program for pupils in grades 4 to 8, inclusive, and requires the Superintendent of Public Instruction to allocate \$100 per school year to each participating local educational agency for each pupil enrolled in any of those grades who is identified as eligible to participate in the program.

This bill would require the State Department of Education to establish and administer a competitive grant pilot project *to be*

*conducted during the 2007–08 to 2009–10, inclusive, school years to identify existing best practices regarding topics including, but not limited to, curriculum, instruction, and staff development for teaching English language learners and promoting English language acquisition and development. The bill would prohibit the use of more than 5% of the total funding for the program for administrative, data collection, evaluation, or reporting activities. The bill would authorize a school district that contains at least one elementary school with an enrollment of at least 100 English language learners, middle or junior high school with an enrollment of at least 200 English language learners, or high school with an enrollment of at least 300 English language learners local educational agency, as defined, to apply on behalf of the eligible school or schools to the department for a grant of \$200 per English language learner for each year of the pilot project. The bill would require the department to require each school district local educational agency that is selected to receive a grant to match the funds provided in the grant up to a specified amount. The bill would require a consortium convened by the Linguistic Minority Research Institute at the University of California, that includes the department, the California Subject Matter Project of the University of California the California State University, and the county offices of education of the Counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Joaquin, and Santa Clara, as part of that pilot project, to develop a plan for a training program for English language teachers, and school and school district administrators, as specified, as specified.*

*The bill would provide that those provisions will become operative only if an appropriation is made for those purposes in the annual Budget Act or other statute.*

*The bill would require the Superintendent to establish a 13 to 20 member advisory committee, as specified. The bill would require the department, with advice from the advisory committee and in consultation with the Office of the Secretary for Education, to establish criteria for evaluating applications and selecting applicant school districts to receive grants. The bill also would require the Superintendent, to the extent practicable, to utilize the advisory committee for the purposes for which an advisory committee would otherwise be required to be utilized pursuant to a specified provision, if that provision is added as specified. The bill would require the department to contract with an independent research organization to*

*perform an evaluation of the pilot project, which would be funded from separate funding, as specified. The bill would require a report summarizing the findings of the evaluation be submitted to the Superintendent, the Governor, and the Legislature by November 1, 2011. The bill would require the Superintendent to review the report and submit an additional report to the Legislature and the Governor that makes recommendations as specified.*

*The bill would specify that \$20,000,000 appropriated to the Superintendent in another act for local assistance costs of a multiyear research pilot project to identify best practices for improving the academic achievement and English language development of English language learners pursuant to legislation enacted during the 2005–06 Regular Session of the Legislature be used to implement the pilot project.*

*The bill would allocate \$100,000 of specified federal funds for the use of the department for purposes of its administration of the project.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Chapter 5 (commencing with Section 420) is added to Part 1 of the Education Code, to read:

CHAPTER 5. ENGLISH LANGUAGE LEARNER ACQUISITION AND DEVELOPMENT PILOT PROGRAM

420. (a) The department shall establish and administer a three-year competitive grant pilot project of 25,000 or more English language learners, ~~to commence on January 1, 2007, with the issuance of Requests for Proposals (RFP), and September 1, 2007, for three-year program implementation to be conducted during the 2007–08 to 2009–10, inclusive, school years after the issuance of Requests for Proposals (RFP).~~ The goal of the pilot project is to identify existing best practices regarding topics, including, but not limited to, curriculum, instruction, and staff development for teaching English language learners and promoting English language and academic English acquisition and development. *The intent of the pilot project is not to compare the effectiveness of instructional methods for English*

1 *language learners, but rather to identify practices that*  
2 *demonstrate success for English language learners in achieving*  
3 *English proficiency, regardless of instructional setting.*

4 (b) Funding for the program shall be used to support or expand  
5 successful existing programs that serve the academic needs of  
6 English language learners to learn *standards-aligned* academic  
7 content and acquire proficiency in the English language.

8 ~~No language.~~ No more than 5 percent of the total funding for  
9 the program may be used *by a local educational agency* for  
10 administrative, data collection, evaluation, or reporting activities.

11 (c) ~~A school district that contains at least one elementary~~  
12 ~~school with an enrollment of at least 100 English language~~  
13 ~~learners, middle or junior high school with an enrollment of at~~  
14 ~~least 200 English language learners, or high school with an~~  
15 ~~enrollment of at least 300 English language learners~~ *local*  
16 *educational agency* may apply on behalf of the eligible school or  
17 schools to the department for a grant of two hundred dollars  
18 (\$200) per English language learner per year for the period  
19 ~~commencing on September 1, 2007, with the 2007–08 school~~  
20 *year* and ending on August 31, 2010.

21 (d) Funding grant applications shall consider the past success  
22 ~~of the school and school district~~ *local educational agency* in  
23 meeting the needs of English language learners, shall limit the  
24 number of ~~students~~ *pupils* in any ~~one school district~~ *local*  
25 *educational agency* to no more than 10 percent of the total  
26 ~~students~~ *pupils* funded, shall ensure that funded schools represent  
27 an appropriate balance among urban, suburban, and rural schools,  
28 shall ensure that funded schools represent a geographic balance  
29 throughout California, and shall conform reasonably to a set of  
30 instructional principles laid out in the RFP.

31 (e) ~~A school district~~ *As a condition of receiving funding*  
32 *pursuant to this chapter, a local educational agency* that is  
33 selected to receive a grant shall agree to the evaluation process  
34 ~~and reporting laid out by, data collection, and reporting~~  
35 *requirements established by the department and developed in*  
36 *collaboration with a partner independent research organization*  
37 and shall include in the grant application ~~grant~~ resources to be  
38 used in data collection, as described by the independent research  
39 organization evaluation process design.

(f) The department shall require each ~~school district~~ *local educational agency* that is selected to provide two hundred dollars (\$200) *per English language learner per year in matching funds to as matching funds for the two hundred dollars (\$200) set aside over four years and administered by the department in state funds per English language learner allocated each year of the three years of the project.*

(g) (1) The Superintendent shall establish a ~~13-member~~ *13 to 20 member* advisory committee to provide regular recommendations in the implementation of this project. The department ~~will~~ *shall* provide staff to this committee. The committee shall be made up of *individuals from the following groups, who have expertise and experience in providing instructional assistance, technical assistance, or both, to programs for English language learners:* practitioners from the field, staff from the University of California and the California State University, representatives of ~~the California education coalition~~ *statewide education advocacy organizations, stakeholders, and evaluation foundation partners.* With advice from the advisory committee, *and in consultation with the Office of the Secretary for Education,* the department shall establish criteria for evaluating applications and selecting applicant school districts to receive grants, including, but not limited to, all of the following:

(1)

(A) A diverse mix of schools, including those offering structured English immersion, bilingual instruction, dual language immersion, and mainstream instruction.

(2)

(B) Enrollment of pupils of low socioeconomic status and of varying levels of academic proficiency and performance as measured by the Academic Performance Index pursuant to Article 2 (commencing with Section 52051) of Chapter 6.1 of Part 28.

(2) *To the extent practicable, the Superintendent also shall utilize the advisory committee established pursuant to this subdivision for the purposes for which an advisory committee would otherwise be required to be utilized pursuant to Section 99237.5, if that section is added by Senate Bill 472 of the 2006–07 Regular Session of the Legislature.*

(h) The department shall contract with an independent research organization to perform an evaluation of the pilot project based on a representative sample of 25,000 or more English language learners from participating urban, suburban, and rural schools from various geographic regions throughout the state. The evaluation design shall be created using funds other than those appropriated for purposes of this chapter. *The final analysis of the project data shall be funded through private or federal sources.* It is the intent of the Legislature that the completed evaluation highlight successful programs of English language instruction that can be *reasonably replicated* and used as models for other schools. A report summarizing the findings of the evaluation shall be submitted to the Superintendent, the Governor, and the Legislature by November 1, 2011. The Superintendent shall review the report and submit an additional report to the Legislature *and the Governor* that makes recommendations based on the results of the evaluation design created by the independent research organization.

(i) It is the intent of the Legislature to enact legislation that provides flexibility to schools and school districts that receive grants and participate in the pilot project pursuant to this section with regard to restrictions imposed by state law and school district policies and regulations that may hinder the participation by those schools and school districts.

421. *For purposes of this chapter, "local educational agency" means a charter school, school district, or county office of education.*

SEC. 2. (a) Twenty million dollars (\$20,000,000) appropriated to the Superintendent of Public Instruction pursuant to paragraph (13) of subdivision (a) of Section 43 of Chapter 79 of the Statutes of 2006 shall be used to implement this act.

(b) The sum of one hundred thousand dollars (\$100,000) of federal funds available to the State Department of Education under Title III of the federal Elementary and Secondary Education Act during the 2006–07 fiscal year is hereby allocated for use by the department for purposes of its administration of the project established pursuant to this act.

~~421. (a) A consortium, convened by the Linguistic Minority Research Institute at the University of California, that includes~~

1 the department, the California Subject Matter Project of the  
2 University of California, the Language Minority Research  
3 Institute, the California State University, and the county offices  
4 of education of the Counties of Los Angeles, Orange, Riverside,  
5 San Bernardino, San Diego, San Joaquin, and Santa Clara, shall  
6 develop a plan for a training program for English language  
7 teachers, and school and school district administrators, to support  
8 the academic achievement of English language learners. The plan  
9 shall include, but is not limited to, all of the following:

10 (1) A strategy to identify existing resources and local  
11 infrastructure that provides professional development to teachers  
12 of English language learners. It is the intent of the Legislature to  
13 build upon existing capacity in school districts and county offices  
14 of education in developing a professional development program  
15 for teachers of English language learners.

16 (2) A strategy to provide “expert” or “master” teachers to  
17 serve as peer coaches to classroom teachers and administrators  
18 for the purpose of improving the quality of instruction of English  
19 language learners. This strategy shall address the development of  
20 all of the following:

21 (A) Core program elements and peer coaching models to  
22 ensure that teachers receive professional development to instruct  
23 English language learners in the state academic content standards  
24 pursuant to Section 60605 and the English language development  
25 standards pursuant to Section 60811. The consortium shall  
26 convene a team of identified expert or master English language  
27 teachers and coaches to establish multilevel delivery of  
28 instruction models and multilevel coaching models to be used  
29 throughout the state.

30 (B) A database of teachers in the state with requisite  
31 knowledge and skills to be “expert” or “master” teachers to teach  
32 language acquisition in accordance with the English language  
33 development standards pursuant to Section 60811, including, but  
34 not limited to, academic English, and to teach the academic  
35 content standards pursuant to Section 60605.

36 (C) Criteria to determine the skills necessary to be an “expert”  
37 or “master” teacher of English language learners. This criteria  
38 shall include, but is not limited to, a process for selecting a  
39 teacher for the purpose of teaching English language learners.

~~(b) Commencing on September 1, 2007, the consortium shall do all of the following:~~

~~(1) Release a list of qualified “expert” or “master” teachers to serve as peer coaches to classroom teachers and administrators for the purpose of providing professional development to classroom teachers and administrators.~~

~~(2) Assemble a team of identified experts and master teachers to come to consensus about a set of critical competencies needed for effectively facilitating English language acquisition and content mastery in all classrooms, and craft that set of critical competencies into strong, interactive, standards-based professional development modules.~~

~~(3) Train school district teachers and administrators using qualified “expert” or “master” teachers to conduct training for their classroom teachers and administrators on improving instruction for English language learners and successful coaching techniques, and, upon completion of their training, teachers and administrators shall be English language learner peer coaches for their schools and school districts. These coaches shall assist groups of classroom teachers through onsite technical assistance, assessment assistance, and technique evaluation on addressing the instructional needs of English language learners. Teachers and administrators working in schools ranked in deciles 1 to 3, inclusive, of the Academic Performance Index shall be given first priority to receive training under this program. It is the intent of the Legislature that no less than 10,000 California teachers and administrators receive teaching and coaching training annually.~~

~~(4) The department shall contract with an independent research organization to design an annual incremental evaluation of the professional development project-based statute and the delivery system established by the consortium. The evaluation design shall be created using funds other than those appropriated for purposes of this chapter. The consortium shall collect and organize project data, including, but not limited to, the number of teachers and administrators trained under the program, and the impact this training has upon classroom instruction. A report summarizing the findings of the evaluation shall be submitted to the Superintendent, the Governor, and the Legislature on or before November 1, 2010.~~



1     ~~(e) The Superintendent shall review the report and submit an~~  
2     ~~additional report to the Legislature that makes recommendations~~  
3     ~~based on the results of the evaluation design created by the~~  
4     ~~independent research organization.~~

5     ~~(d) Subdivisions (a) and (b) shall apply to the University of~~  
6     ~~California only if its participation is approved by resolution of~~  
7     ~~the Regents of the University of California.~~

8     ~~422. This chapter shall become operative only if an~~  
9     ~~appropriation is made for its purposes in the annual Budget Act~~  
10    ~~or other statute.~~